

THE REED RULE RESURRECTED BY SPEAKER

Cannon Peremptorily Declares
Quorum Present When It
Wasn't There, Clashing
With Williams.

HOUSE LIABILITY BILL PASSED BY THE SENATE

Objections Liable to Be En-
countered in United States
Supreme Court.

WASHINGTON, April 9.—Three times today the house Democrats caught the Republicans napping and forced them to procure a quorum. On one occasion the vote by tellers disclosed the absence of a quorum, but Speaker Cannon peremptorily applied the Reed rule and declared a quorum to be present. In doing so he had a brief, but lively clash with Minority Leader Williams. Notwithstanding repeated roll calls progress was made in the transaction of public business. Both the army fortifications and appropriation bills went to the senate conference. The Senate bill which increases the efficiency of the revenue cutter service, with Democratic help was passed. The bill to promote the safe transportation of interstate commerce explosives was considered. It will be finally disposed of tomorrow.

The Democrats prevented the adoption of the conference report on the Indian appropriation bill and caused it to be sent back to conference. In the Senate the bill relating to the liability of common carriers which passed the House, April 6, today was passed by the Senate without an amendment or without division. The Senate bill on the same subject was not confined to railroads, but covered all forms of common carriers. Senator Doolittle, who reported it from committee, sought to substitute it for the House bill which relates to railroads only, but his motion was defeated. Numerous amendments were offered to the bill, but all were voted down.

As passed, the bill is expected to meet some objections in the United States Supreme Court. The common carrier liability law of 1896 was declared unconstitutional by the court. The bill abolishes strict common law liability which bars recovery for personal injury or death of employees occasioned by the negligence of fellow servant. It also relaxes the common law rule which makes contributory negligence a defense for claims for such injuries, and permits the employee to recover for injury caused by negligence of a co-employee. The bill does not bar recovery, even though the injured employee contributed by his own negligence to the injury. The amount of recovery is diminished in the same degree that the negligence to injured one contributed to the injury.

During the discussion of the measure there was extended reference to campaign contributions by railroad men, especially the Harriman contribution to the Republican party funds in 1904. The bill is now ready for the president's signature.

A few minutes before the House took recess today Speaker Cannon and Majority Leader Payne engaged in a sharp exchange of words. The incident occurred in connection with consideration of the bill to permit safe transportation of explosives. In the course of debate on the measure Williams severely criticized the action of the speaker, declaring a quorum present, when it fact he said a quorum was not present. He was declared out of order on objection by Sherman. Payne arose and soon it became evident that he was making remarks foreign to the bill. Shirley, Kentucky, promptly called him to order. The speaker sustained Shirley, saying: "The chair sustains the point of order, but trusts the gentleman from New York will set a good example to the House" whereupon the Democrats applauded. Proceeding with some embarrassment, Payne said that, having ruled him not in order, it was not necessary for the speaker to make any further suggestions to him. He then began a speech in favor of the bill, but Cannon brought the gavel down with emphasis and declared the House at recess under special rule.

KILLED BY CHALLENGER IN A PISTOL DUEL

Victim Had Upbraided Slayer
for Treatment of His Wife.

SAN FRANCISCO, April 9.—Shot four times by Pietro Lehl, who shot him to a pistol duel, Desia DeVore died this morning. The victim, unmarried, Lehl for forcing his wife to live in a disorderly house. The shooting occurred when they met last night. Lehl escaped and has not been arrested.

ONE RUEF JUROR.

SAN FRANCISCO, April 9.—In the Ruef trial today but one juror qualified subject to peremptory challenge by the defense. It is quite certain a jury will not be secured this week.

BATTLESHIP ARIZONA SUGGESTED TO METCALF LIBRARY UNIV. ARIZONA TUCSON, ARIZ.

addressed a letter to Secretary of the Navy Metcalf, relative to Arizona's growing importance in agriculture and commerce, her distinction as the greatest copper producing state, her increased taxable valuation of \$15,000,000 last year and asking him in recognition of this to name one of the new battleships or cruisers now building "Arizona."

Other commercial bodies in the territory are asked to supplement the request.

A SPECIAL SESSION INTIMATED BY HUGHES

Governor Sends Message to
Legislature On Defeat of
Anti-Gambling Bill.

ALBANY, April 9.—Any expectation that a full would follow the storm of yesterday in the legislature when the Senate defeated the anti-race track gambling bill desired by Governor Hughes, was dispelled at the opening of the session this morning in dramatic fashion. Hardly had either house convened before the secretary to the governor marched up the aisle with a "communication" in writing from the governor.

When read in each house, the "communication" proved to be a special message couched in the governor's most direct and vigorous style declaring, first, that yesterday's vote in the Senate could not be regarded as disposing of the anti-gambling question, and also calling attention to several other matters upon which the governor believes the legislature should pass before final adjournment.

Almost simultaneously with sending his message to both houses the governor caused it to be made known it is his intention to proclaim a special election, possibly May 21, in the Niagara-Orleans senatorial district to fill a vacancy in the Senate caused by the recent death of Senator Franchet of Niagara Falls. At the same time he put forth also the intimation that he would possibly call an extraordinary session of the legislature to convene Monday evening, May 11.

ORUCH ON HUGHES IN HIS OWN STATE

New York Delegate Says He
Will Not Vote for His Nomination at Chicago.

ALBANY, April 9.—Committeeman William E. Barnes of this county, in a statement given by him to the Twenty-third Congressional District Republican convention tonight, in acceptance of election as delegate to the Republican national convention, declared he would not vote at Chicago for the nomination of Governor Hughes, whose political course he sharply criticized. He made it plain his preference is for Taft.

Barnes and Mayor Horace S. Van Vleet of Schenectady were elected delegates to the Chicago convention. There was no contest. The delegation goes unopposed. Resolutions simply endorsed the administration of President Roosevelt. There was no mention whatever of Hughes.

CONGRATULATIONS BECAUSE OF FAILURE

Of the Anti-Betting Bill Says
August Belmont, President
of the Jockey Club.

NEW YORK, April 9.—August Belmont, chairman of the Jockey Club, said today concerning the failure of the passage of the anti-gambling bill at Albany:

"The community is to be congratulated on the failure of the governor's so-called 'anti-race track' legislation. It is, in fact, it is to be still more congratulated. The measure was a misdirected reform. Racing can now be assured. Evils surrounding the tracks are curable, and there are brighter prospects now for correction and regulation. This is and has been the aim of the jockey club. It always had the earnest cooperation of the racing association, and has the same assurance for the future."

CAPT. NILS DETAINED.

WASHINGTON, April 9.—Captain Kosuth Nils, general inspector of ordinance, with headquarters in New York, has been detailed to command the battleship Louisiana on the trans-Pacific cruise with the battleship fleet, vice Captain Walwright, promoted to rear admiral.

MRS. EVANS ARRIVES.

PASO ROBLES HOT SPRINGS, April 9.—Mrs. Robley D. Evans and daughter, Mrs. Charlotte C. Marsh, arrived here shortly after 5 o'clock this afternoon and joined Rear Admiral Evans. Their coming cheered the admiral greatly and it is believed will have a good effect.

THE LAST WEEK OF THE FLEET AT MAGDALENA

Ships Will Weigh Anchor On
Saturday and Set Sail for
San Diego at Hour,
Not Yet Set.

OFFICERS AND MEN TAKING THINGS EASY

Target Practice Over, Cleaning
and Coaling Follows—
Official Changes.

MAGDALENA BAY, April 9, via San Diego, April 9.—The Atlantic fleet today entered upon the last week of its stay in Magdalena Bay. The ships will weigh anchor Saturday at an hour not yet set, and steam for San Diego, where they are due to arrive at 1 p. m. Tuesday, April 14. No maneuvers or speed trials are scheduled for the trip up the coast.

The fleet formation will be slightly changed when Admiral Thomas transfers his flag from the Minnesota to the Connecticut. The third and fourth divisions will change places. Rear Admiral Sperry, on the Alabama, will command eight ships of the second squadron, the Maine and the Minnesota of the third division, also change, the Minnesota taking last place in the line. Captain Harbor of the Maine will assume temporary command of the fourth division. Today and Sunday, the most perfect days the fleet has had at Magdalena, sees all sixteen battleships, except the Virginia, riding at anchor in Man of War Cove. This is the greatest number assembled at anchor since arrival. The Virginia is out on the torpedo range at the south end of the bay. The remainder of the week there will be little to do, but get in shape for the cruise to California.

For several days the ships have been busy with torpedoes. This practice has been one of large interest and much importance. The chief value in the practice attaches to a trial of the new Bliss-Leavitt torpedo, supposed to possess a greater firing range than those previously used. Work in coaling the ships is being rushed forward with all speed by day and night to escape demurrage charges on all the ships. The coaling, which amounts to about \$250 a day for each day the cargo remains on board. The Illinois finished coaling today. The Vermont commenced. All the ships will have finished by tomorrow.

Cleaning and painting is going on on all the ships. One more death occurred, that of Lewis Robinson, a colored cabin steward. He died Friday night of Bright's disease, and was buried Saturday at Magdalena. This is the second death since the fleet's arrival.

Commander A. W. Grant will become chief of staff by order of Admiral Evans as soon as the ship reaches San Francisco. Grant succeeds Captain Ingersoll, detached while the Connecticut was at San Diego. It is expected that Admiral Thomas will remove to the Connecticut on Wednesday when the flagship will have returned from the torpedo range. Lieut. K. G. Castleman, his aid and lieutenant, and Lieut. F. D. Berrien, an aide, will go with Thomas to the Connecticut. Lieut. Commander L. H. Chandler, aide to Admiral Evans, will remain on the flagship until the retirement of Evans at San Francisco.

Preparations are proceeding for the fleet regatta to be held on Friday. Officers and men have greater liberty now that target practice is over. They are putting in their time in recreation and training for coming athletic events. Several ships have established camps a few miles up the different lagoons leading into the bay. Parties of officers and men are enjoying themselves in these isolated retreats. Boxing bouts are being held aboard the ships almost nightly in preparation for the fleet championships.

STATESMAN CHALLENGED.

ST. PETERSBURG, April 9.—Count Vladimir Bobrinsky, president of the constitutional conservative party, and marshal of nobility; charged Prof. Paul N. Milukoff, leader of the constitutional democrats, to a duel following a dispute arising between them in the duma. Milukoff declines the challenge.

OPEN SHOP ON LAKES.

CLEVELAND, April 9.—An "open shop" policy will be adhered to by vessel owners operating boats on the great lakes this season.

COAST BASEBALL.

At San Francisco, R. H. E.
San Francisco 11 9
Portland 7 6
Batteries—Theobald, Willis and Berry, Groom and Whalen.
At Los Angeles, R. H. E.
Los Angeles 4 8 6
Oakland 7 2
Batteries—Hosp and Hogan; Wright and Dashwood.

EXTRADITION FOR MAT BURTS WANTED

Now In Santa Fe Prison and
Will Be Brought to Tomb-
stone for Shooting Scrape.

(Special to the Review.)
TOMBSTONE, April 9.—Assistant District Attorney Ross today began proceedings for the extradition of Mat Burt, at present serving a six months sentence in the penitentiary at Santa Fe, New Mexico, who is wanted in this county for assault with intent to commit murder, alleged to have been committed several years ago when he took a number of shots at one Bob Warren at a round up in the vicinity of what is now the Johnson camp, just north of Dragon Station. Burt immediately after the shooting left the country and was in Montana for a number of years. Only a few months since he returned to Silver City, New Mexico, where he became involved in trouble and was sentenced to serve a term of six months in the territorial penitentiary.

Burt at the time of the shooting scrape with Warren had been out of the Yuma penitentiary but a few weeks, where he had been sent for being implicated in the hold-up of the Southern Pacific train at Cochise with the Alvord-Stiles gang. He was pardoned on account of his having furnished state's evidence and given the testimony with others that convicted Alvord, Downing and the others. It was Burt and Stiles that did the work at Cochise by blowing open the safe, which circumstances are well known to the citizens of the county.

As soon as the necessary papers have been fixed up here they will be taken by Sheriff White to Governor Kibbey and requisition papers must be sent to Governor Curry of New Mexico for the delivery of Burt. If the papers are honored it is expected that Burt will be brought back here in time to have his case tried at this term, as he was indicted in December, 1901. There are a number of witnesses in the county that were present at the trouble between Burt and Warren and will be summoned to give their testimony before his grand jury.

ENGLAND APPREHENSIVE OF JAPS IN AUSTRALIA

LONDON, April 9.—Australia's apprehension of possible aggression on the part of Japan was voiced at a meeting in London this afternoon of the Australasian chamber of commerce by Thomas Price, premier of south Australia. He said: "You can not keep a colony by merely flying a flag over it, not even the union jack. If you are going to retain Australia as a jewel in the British crown, some one has got to stand up and fight for it."

HENEY ON WAR PATH.

SAN FRANCISCO, April 9.—Francis J. Heney left tonight for Portland, Ore. The purpose of his mission to Oregon is not known, but it is said he will make reply to statements recently made by Senator Fulton.

FAIR IN ARIZONA.

WASHINGTON, D. C., April 9.—For Arizona: Fair Friday, except in extreme southern portion. Saturday fair.

HAVE OUR VIEWS.

WASHINGTON, April 9.—The Russian government has been in possession of the views of the American state department respecting the administration at Harbin, Manchuria, controlled by the Chinese Western Company, and brought into question by the attitude of American Consul General Fisher.

THE ERIE PROBLEM DEPRESSED STOCKS

Steel Affected By Reports of
Cuts In Prices—Advances
Due to Special Causes.

NEW YORK, April 9.—The bewildering in which the financial world has been groping for over a week, over the Erie problem, was explained by disclosures over night. The effect on the stock market today, however, was of slow growth. The depressing influences were first a decline in London copper and assertions that a cut in prices of steel products is in contemplation.

Steel was affected by these reports and did not share largely in the rally in prices in spite of renewed assurances from the chairman of the board of the corporation in a public statement that no reductions would prevail. Some notable advances were due to special causes. Bonds firm.

\$500,000 FUND FOR CAMPAIGN IN NEW YORK

Thomas F. Ryan Tells of Use
Wm. C. Whitney Made of
Half Million Dollars of Man-
hattan Stockholders.

NEW YORK, April 9.—Thomas F. Ryan today threw cold water on the recently published story to the effect that he testified before a special grand jury that \$500,000 of Metropolitan Street Railway money, ostensibly to be used for the purchase of the Wall and Cortlandt street ferry line had gone into a political campaign fund. Ryan was a witness today in the Harlem municipal court in a damage suit brought against certain directors of the street railway company. Questioned at length about the \$500,000 fund he said: "That fund was made up and was paid to Wm. C. Whitney. He suggested we put in \$100,000 apiece for the company. That was in 1899 or 1900. There was no entry made in the Metropolitan Street Railway books."

He said the only information concerning the disposition made of the fund was given him by Whitney, who, he said, was the controlling spirit in the company. "Have you any other information except what Whitney told you as to the use of the money," he was asked. "No."

"As a fact do you know to what it was applied?"

"Did you know that when the \$500,000 was paid it was not for the Wall and Cortlandt street ferry franchise?"

"I did not until I got notice from the Morton trust company that \$111,000 had been paid to my credit."

ANOTHER DEATH FROM PNEUMONIA RECORDED

Patients in Hospital Doing
Well—About 40 Cases of
Disease at Present.

Another death from pneumonia was recorded yesterday, and there seems to be no diminution of the number being taken down with the disease each day. At the present time several others are critically ill with the disease, and it is probable that at least two will die.

There are in the district at the present time at least forty cases, all more or less serious. Physicians were kept busy yesterday going to attend patients who had developed a slight cough but had no symptoms of pneumonia. Prominent physicians stated yesterday that the symptoms generally are: First a heavy chill, followed by high temperature, and a hard cough resulting in blood stained expectoration.



LAKIN ISSUES STATEMENT OF BANK'S AFFAIRS

Receiver of First National Con-
firms Report That Eddie-
man Assured Him He
Would Liquidate.

STOCKHOLDERS MAY BE HELD FOR 100 PER CENT

Lakin Feels Much Encouraged
In Regard to Affairs at
Present Time.

The first statement in regard to the condition of the First National Bank which closed its doors a little over two weeks ago was received yesterday afternoon by a Review representative from T. N. Lakin, who is in charge of the affairs of the institution. In his statement Mr. Lakin confirmed the report published in yesterday morning's Review to the effect that W. J. Eddie had given positive assurances that he would secure funds and pay off all of the notes which he owes the bank. Although, according to the receiver's statement, the condition of the bank appears much better than when he first took charge, it seems very probable that each of the responsible stockholders will be held by the government for an amount equal to the value of the stock which he held in the institution. The creditors will probably be paid in full.

In answer to questions yesterday afternoon Mr. Lakin stated that W. J. Eddie, president of the defunct bank, was indebted to the institution in the sum of about \$24,000. He stated that over and above this Eddie was also liable for \$47,000, which represents twice the amount of the \$23,500 worth of the capital stock which he owned. J. H. Nolan, former cashier, the receiver stated, was indebted to the bank in the sum of between \$12,000 and \$14,000, as well as being liable for twice the par value of the stock which he held.

Eddie, Mr. Lakin said, had given him positive assurances that he would pay every dollar of the \$21,000 worth of stock. He has been in Globe presumably on business connected with the raising of the necessary funds to meet their payment. He is expected to return to Bisbee this morning.

In regard to the Nolan indebtedness, at the present time there seems to be very little likelihood of its being recovered, as he has practically no assets. However, it is understood that he will make an effort to liquidate at least a part of the claims against him.

It was stated by Mr. Lakin that if Eddie discharges his obligations to the bank it will probably be possible to pay the creditors in full by assessing the responsible stockholders one hundred per cent of the par value of the stock held by them. In regard to the time it would take to bring about the liquidation of the bank, Mr. Lakin does not make good his promise to pay the notes which he owes the institution. The stockholders will then be liable for twice the par value of the stock they held.

In speaking generally of the condition of the bank yesterday afternoon Mr. Lakin said:

"I can state to the public that at the present time I feel much more encouraged than when I first took charge of the affairs of this institution. Of course there are a mass of details connected with the straightening out of the affairs of the bank, and it will take time to arrive at the stage where a definite statement of just how much will be paid on claims can be made."

The surplus, undivided profits, and capital stock of the institution were entirely wiped out. Many loans seemed to be worthless in the beginning. Now, however, some of these loans are proving to be perfectly good, and the other debtors have been coming forward and showing a disposition to discharge their obligations as quickly as possible.

Of course conditions at the present time all over the country are extremely hard, and it is difficult to realize on some of the notes due the bank. This is the situation with which we are confronted and patience will have to be exercised. Our only interest in this matter is to protect the creditors of the institution to the fullest possible extent, and I can assure the public that every effort will be made to bring about a settlement of all claims in full."

In cases such as that of the First National, the receiver takes charge of the affairs of the institution and immediately commences to realize everything that is possible on the assets. As quickly as this money comes in it is remitted to the comptroller of the currency at Washington in amounts of \$1,000. This official is furnished a detailed report of everything connected with the bank, and as soon as the fund grows large enough he declares a dividend in favor of the depositors.

Already Mr. Lakin has remitted a considerable amount to the comptroller, and as rapidly as the remittance comes in, it will also be forwarded. What amount he will remit to Washington the receiver yesterday said he was not at liberty to say at that time.

It is expected that when Eddieman (Continued on Page Eight)

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THIRD FORD TRIAL BEGINS AT FRISCO

SAN FRANCISCO, April 9.—The third trial of T. N. Ford on a charge of bribing supervisors in connection with granting trolley franchises in this city to the United Railroads Company, began before Superior Judge Lawlor today.

In the previous trials one jury disagreed and one brought in a verdict of acquittal.

EVANS WILL ATTEND. PASO ROBLES HOT SPRINGS.

WASHINGTON, D. C., April 9.—That Admiral Evans will go to Los Angeles to participate in the festivities there is the statement made tonight by Mayor Harper. If Evans undertakes the Los Angeles trip it will be strongly against the advice of his physicians.

NEW OHIO MINE LAW.

COLUMBUS, April 9.—Every coal mine in Ohio will be inspected at least once every three months under the Wetzel bill passed by the Senate this afternoon.